



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. Todd M. Wallace
Acting Director, Bureau of Waste Management
Pennsylvania Department of the Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, Pennsylvania 17105-8471

6/8/2010

Dear Mr. Wallace:

On February 17, 2010, staff from the Office of State Programs, Land and Chemicals Division, U.S. Environmental Protection Agency (EPA) – Region 3 met with your staff to conduct Advanced Post-Award Monitoring of the Pennsylvania Department of Environmental Protection (PADEP) Stimulus grant. In accordance with the requirements of the American Recovery and Reinvestment Act (ARRA), and the terms and conditions of the Leaking Underground Storage Tank (LUST) Cooperative Agreement, EPA conducted the review to assess how your program is meeting the commitments, and the terms and conditions of the grant.

Below, we summarize the results of the February 17, 2010 review. In addition, we include a mid-year summary of significant or outstanding issues pertaining to the regular UST and LUST grants.

Stimulus

The Post-Award Monitoring review consisted of the actions listed below.

- Evaluation and discussion of the Stimulus grant terms and conditions
- Evaluation of site eligibility determinations
- Evaluation of compliance with the Davis-Bacon and Buy American provisions of ARRA
- Completion of responses to the Programmatic Advanced Monitoring Evaluation questionnaire (attached)

The results of the Post-Award Monitoring review are summarized below.

- Evaluation and discussion of the grant terms and conditions confirmed that PADEP is aware of and in compliance with the general terms and conditions of the grant, and in compliance with the LUST ARRA Wage Rate and Buy American requirements.
- Evaluation of the eligibility of the selected sites to use ARRA funding confirmed that PADEP appropriately considered whether the responsible person was either unknown, or unwilling or unable to conduct the cleanup, or whether the cleanup was an emergency response.
- Evaluation and discussion of the Buy American and Davis-Bacon requirements confirmed that these provisions were not applicable at the time of the Post-Award



review because PADEP is not working on any infrastructure projects and the Davis-Bacon projects have not started.

- Evaluation of PADEP's compliance with the general requirements of the ARRA grant confirmed that the state is performing work under the grant in a timely manner, and within the scope and timeframes of the grant work plan.
- Evaluation of PADEP's compliance with the 35% Obligated/15% Spent condition showed that PADEP obligated 100% and expended 21.8% of its ARRA LUST funds as of 3/31/10.

UST/LUST Program

Regarding the FY10 mid-year review of the RCRA Subtitle "I" Underground Storage Tank (UST) and Leaking Underground Storage Tank (LUST) programs, EPA is pleased with PADEP's performance in these programs. At mid-year, PADEP:

- achieved a 2% improvement in the Significant Operational Compliance (SOC) rates for Release Detection and Combined;
- completed the number of inspections needed at mid-year 2010 to meet the Energy Policy Act (EPA) 3-year inspection requirement;
- published Final Operator Training regulations on 12/26/2009; and
- completed 198 cleanups, which was 93% of PADEP's FY10 Federal goal of 212 cleanups completed.

UST

In the UST Program, PADEP achieved SOC rates of 86% for Release Detection (versus 84.2% at MY09), 88.6% for Release Prevention (versus 91.3% at MY09), and 78.3% for Combined Release Detection / Prevention (versus 76.6% at MY09). EPA recognizes the decrease in the SOC rate for Release Prevention may be due to increased inspections and newly-enforced corrosion protection testing.

At mid-year 2010, PADEP completed over one-half of the number of inspections (1540) needed to inspect one third of its regulated universe in 2010. At this level of inspections for midyear, PADEP's EPA inspection frequency is 2.6.

EPA is pleased that PADEP sent thirty staff to the November 2009 UST Inspector Workshop and thanks PADEP management for helping to keep staff informed about the latest in UST guidance, program and enforcement policies, program implementation, and related regulations.

PADEP finalized its Secondary Containment rulemaking on November 10, 2007, without including requirements that emergency generator USTs meet interstitial monitoring requirements specified in EPA's Grant Guidelines. EPA anticipates that PADEP will follow through on its commitments contained in PADEP's letter to EPA dated March 24, 2010; these commitments should be identified in the 2011-2013 cooperative agreement.



PADEP finalized its Operator Training regulations on December 26, 2009, without identifying that SOC violations will trigger retraining. In a letter dated January 15, 2010, PADEP committed to develop by September 30, 2010, the necessary implementation guidance to ensure the uniform application of the mandatory retraining provision when noncompliance is found during an onsite inspection. PADEP reported in its FY10 Midyear that it has drafted this program guidance. EPA anticipates PADEP will provide a copy of this draft guidance for EPA's review by June 30, 2010.


LUST

In the LUST program, PADEP completed 198 cleanups at midyear. EPA anticipates that PADEP will meet and may exceed its cleanup goal of 212 by September 30, 2010.

EPA's Office of Analytical Services and Quality Assurance (ASQA) is reviewing PADEP's Quality Management Plan received on January 8, 2010. PADEP's LUST QAPP was approved by EPA on August 30, 2007.

I thank your office for its cooperation with EPA's Advanced Post-Award Monitoring of the PADEP Stimulus grant and for its continued productivity in implementing the UST, LUST and ARRA programs. If you have any questions regarding this letter, please contact me at (215) 814-3143 or at ferdas.abe@epa.gov.

Sincerely,


Abraham Ferdas, Director
Land & Chemicals Division

Enclosures

cc: G. Hartenstein, PADEP
C. Olewiler, PADEP
C. Swokel, PADEP, w/o enclosures
K. Shiffer, PADEP, w/o enclosures
W. Nagel, PADEP, w/o enclosure





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U.S. EPA – Region 3
Land and Chemicals Division
Programmatic Advanced Monitoring Evaluation Report
Pennsylvania Department of Environmental Protection

Leaking Underground Storage Tank Grant
American Recovery and Reinvestment Act

February 17, 2010

Project Period Start: 08/01/2009

Project Period End: 9/30/2011

Review Team

EPA Reviewer

Title / Role

Rick Rogers, Chief

Office of State Program

Claudette Reed

Team Leader, UST/LUST Program

Joanne Cassidy,

PADEP Program Manager

State Staff Interviewed

Title / Role

George Hartenstein, Chief

Remediation Services Division

Craig Olewiler, Chief

Storage Tank Cleanup

Project Files Reviewed¹

1. Malcolms Auto Repair, Warminster, Bucks County 09-41937
2. Gappa Oil, Phoenixville, Chester County
3. Hilltop Texaco, Lehigh County

¹ EPA may request additional, confirmatory explanations or may review files to validate Yes or No answers to the following checklist questions. To the extent possible, EPA will identify files we would like to review. If, during the course of the on-site visits, EPA determines a need to review files for Davis-Bacon or Buy-American provisions, to the extent possible, we would like to review the files before leaving the on-site meeting. If file reviews are not possible because the files are not accessible at that location, EPA will either visit the location where the files are stored or request copies.

4. Bill's Auto, Philadelphia County

A. Evaluation Information

1. Name of the Grant Recipient: Pennsylvania Department of Environmental Protection
2. Brief Description of the Project: Provides American Recovery and Reinvestment Act (ARRA) funds as an additional financial assistance source for the recipient's efforts to assess and cleanup petroleum releases from LUST sites, maximize job creation/retention, and provide economic and environmental benefits to the citizens of Pennsylvania.
3. First eight digits of the Grant Number: 97383201
4. Evaluation Type: On-site X Off-site
5. Evaluation Date: 02/17/2010
6. Date report mailed to the recipient:
7. Date all items from Evaluation are resolved:

During this evaluation, EPA also reviewed the Recipient's:

- Compliance with general grant terms and conditions, and
- Compliance with ARRA and Davis-Bacon terms and conditions

B. General Requirements

1. Is payment history consistent with progress to date? ☒ Yes ☐ No ☐ N/A
2. Is the work under the agreement on schedule? ☒ Yes ☐ No ☐ N/A
3. Is the actual work being performed within the scope of the recipient's work plan? ☒ Yes ☐ No ☐ N/A
4. Are the recipient's staff and facilities appropriate to handle the work under the agreement? ☒ Yes ☐ No ☐ N/A
5. Are the products/progress reports submitted on time? ☒ Yes ☐ No ☐ N/A
6. Are the products/progress reports acceptable? ☒ Yes ☐ No ☐ N/A
7. Is the recipient making adequate progress in achieving outcomes, outputs, and associated milestones in the assistance agreement work plan? ☒ Yes ☐ No ☐ N/A
8. If the recipient is experiencing significant problems meeting agreed-upon outcomes and outputs, has the recipient been required to develop and implement a corrective action plan? ☐ Yes ☐ No ☒ N/A
9. Has the recipient complied with the programmatic terms and conditions of the award? ☒ Yes ☐ No ☐ N/A
10. Did the recipient purchase equipment as planned in the agreement? ☐ Yes ☐ No ☒ N/A
11. Has the equipment been used as planned in the agreement? ☐ Yes ☐ No ☒ N/A
12. If any of the above answers is No, please explain.

C. American Recovery and Reinvestment Act (ARRA)

*Buy American**

- | | | | | |
|--|------------------------------|-----------------------------|---------------------------------------|-----|
| 1. Project specifications do not expressly exclude domestic iron, steel and manufactured goods | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> X | N/A |
| 2. RFP/bid solicitation includes Buy American terms and conditions | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> X | N/A |
| 3. Bid submittals include a statement from the bidder certifying compliance with Buy American | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> X | N/A |
| 4. Bid submittals include letters from manufacturers/suppliers certifying compliance with Buy American | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> X | N/A |
| 5. Construction contracts include Buy American terms and conditions | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> X | N/A |
| 6. Grantee evaluated compliance with Buy American requirements | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> X | N/A |
| 7. Grantee reviewed country-of-origin documentation | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> X | N/A |
| 8. Grantee reviewed supporting documentation for waiver requests (if applicable) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> X | N/A |
| 9. Grantee reviewed supporting documentation for national waivers (if applicable) | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> X | N/A |
| 10. Grantee spot-checked project components for compliance with Buy American | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> X | N/A |
| 11. Grantee confirmed compliance with Buy American requirements | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> X | N/A |
- The Buy American provisions are Not Applicable because PADEP currently is not working on any infrastructure projects.

Davis-Bacon*

- | | | | | | | |
|---|---------------|-----|---------------|----|---------------|-----|
| 1. Bid documents include Davis-Bacon wage determinations | <u> X </u> | Yes | <u> </u> | No | <u> </u> | N/A |
| 2. Grantee confirmed that payroll records are properly maintained by the construction contractor | <u> </u> | Yes | <u> </u> | No | <u> X </u> | N/A |
| 3. Grantee confirmed that payroll records are submitted to grantee weekly | <u> </u> | Yes | <u> </u> | No | <u> X </u> | N/A |
| 4. Grantee confirmed that laborers and mechanics have been interviewed by the grantee to confirm wage rates | <u> </u> | Yes | <u> </u> | No | <u> X </u> | N/A |
| 5. Grantee confirmed that Davis-Bacon posters and wage determinations are properly displayed at the construction site | <u> </u> | Yes | <u> </u> | No | <u> X </u> | N/A |
| 6. Construction contracts contain language binding the prime contractor to comply with Davis-Bacon requirements | <u> </u> | Yes | <u> </u> | No | <u> X </u> | N/A |
| 7. Grantee file contains weekly written confirmation that the project is in compliance with Davis-Bacon | <u> </u> | Yes | <u> </u> | No | <u> X </u> | N/A |
| 8. Grantee file includes completed SF-1445 Davis-Bacon interview forms | <u> </u> | Yes | <u> </u> | No | <u> X </u> | N/A |

***PADEP currently has 7 projects where paving is required. These projects have not yet begun.**

Other ARRA Requirements

- | | | | | | | |
|---|---------------|-----|---------------|----|---------------|-----|
| 1. Grantee confirmed job creation reporting | <u> X </u> | Yes | <u> </u> | No | <u> </u> | N/A |
| 2. Grantee confirmed that ARRA logo is properly displayed at the construction site | <u> X </u> | Yes | <u> </u> | No | <u> </u> | N/A |
| 3. Site files contain notation confirming that the project meets LUST ARRA eligibility requirements | <u> X </u> | Yes | <u> </u> | No | <u> </u> | N/A |
| 4. File contains basis and methodology for cost allocation if only a portion of the project is LUST ARRA-eligible | <u> </u> | Yes | <u> </u> | No | <u> X </u> | N/A |

D. Findings

Check off all applicable findings:

<input checked="" type="checkbox"/>	None	<input type="checkbox"/>	Payroll Problems	<input type="checkbox"/>	Property Management Findings
<input type="checkbox"/>	Possible Conflict of Interest	<input type="checkbox"/>	No Travel Policy	<input type="checkbox"/>	Indirect Costs Issues
<input type="checkbox"/>	Possible Lobbying	<input type="checkbox"/>	Undocumented Cost Share	<input type="checkbox"/>	Labor Distribution Findings
<input type="checkbox"/>	No Accounting Manual	<input type="checkbox"/>	Internal Controls Missing	<input type="checkbox"/>	Cash Management
<input type="checkbox"/>	No Written Procurement Procedures	<input type="checkbox"/>	Progress Reports	<input type="checkbox"/>	Sub recipient/Contractor Monitoring
<input type="checkbox"/>	No Procurement Conflict of Interest Policy	<input type="checkbox"/>	Program Income	<input type="checkbox"/>	Results not being achieved
<input type="checkbox"/>	No Cost or Price Analysis	<input type="checkbox"/>	Quality Assurance	<input type="checkbox"/>	Environmental Results Findings
<input type="checkbox"/>	Commingling of Funds	<input type="checkbox"/>	A-133 Audit	<input type="checkbox"/>	Other / Please Explain in below text area
<input type="checkbox"/>	Unallowable Costs	<input type="checkbox"/>	Noncompliance with Terms and Conditions		

Explanatory Text:

E. Actions (against recipient)

Check off all that apply:

<input checked="" type="checkbox"/>	No Action Required	<input type="checkbox"/>	IG Referral
<input type="checkbox"/>	Recipient Placed on Reimbursement	<input type="checkbox"/>	On-Site Referral
<input type="checkbox"/>	Special Award Terms and Conditions (attach below)	<input type="checkbox"/>	Internal EPA Corrective Action Required (attach specifics below)
<input type="checkbox"/>	Stop Work Issued	<input type="checkbox"/>	Other Remedies (attach specifics below)
<input type="checkbox"/>	Award(s) Terminated		

Specifics:

F. Recipient Contact Information:

Craig Olewiler, Chief Storage Tank Cleanup
and Hazardous Sites Corrective Action
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street, 14th Floor
Harrisburg, PA
W: 717-783-9284
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G. EPA Contact Information:

Joanne Cassidy, PA State Program Manager
U.S. EPA – Region 3 (3LC50)
1650 Arch Street
Philadelphia, PA 19103
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F: 215-814-3163
cassidy.joanne@epa.gov

H. Attachments

a. Completed Site Eligibility Forms

State: PA 51-45895

Site: _____ Bill's Auto _____ Location: _____ Philadelphia _____

<u>ARRA Funding eligibility</u>	
Release is either suspected or confirmed	Suspected, based on age and non-compliance of tanks.
Is the responsible party unknown, unwilling, or unable to do the cleanup, or the cleanup is an emergency response	Owner financially unable. Property also has a major tax lien.
The site is ready for assessment and/or cleanup?	Yes, access agreement signed 4/28/2009
Was the Site Assessment Started using ARRA money?	Yes, geophysical survey 3/18/2008
Was the Site Assessment Conducted using ARRA money?	Yes (initial geophysical survey)
Was the Site Assessment Completed using ARRA money?	In progress
Was the Site Cleanup Started using ARRA money?	Yes, tanks removed 4/05/2010
Was the Site Cleanup Conducted using ARRA money?	Yes
Was the Site Cleanup Completed using ARRA money?	In progress
<u>Will / did the work trigger Davis-Bacon Act prevailing wage requirements?</u>	Currently no activities or planned activities meet these criteria.
Installing piping to connect households or businesses to public water systems or replacing public or private water system supply wells and associated piping. Soil excavation/replacement when undertaken in conjunction with the above	
Soil excavation/replacement, tank removal, and restoring the area by paving or pouring concrete when soil excavation/replacement occurs in conjunction with both tank removal and paving or concrete replacement	

File review: March 4, 2010 by Richard Johnson

State: PA 51-45895

Site: Bill's Auto Location: 1952 Bryn Mawr Avenue. Philadelphia

Summary

The property is a one acre parcel and contains a small one story building with three garage bays and a fuel dispenser island. The only current use appears to be for storage by the owner.

The owner of record is William Coccoli, Havertown address.

The property fronts Bryn Mawr Avenue which runs downhill from a residential area and passes under SEPTA commuter rail tracks. The rail line bounds the site to the south and another inactive service station bound it to the north. Row house residential areas are just behind (west) and to the north. There are high rise apartment buildings along both sides of Bryn Mawr Avenue just to the north. The site is located in a drainage swale and all of the residential areas are topographically higher by at least 25 feet. The bedrock wall behind the site indicates that the property cut from the slope was probable a quarry in the past. The area on the south and east across the railroad tracks is open land, a mix of woodland and field, part of Fairmount Park.

There are five tanks: 2-3,000 gallon and 2-4,000 gallon, plus a 550- gallon waste oil tank. The tanks were operated from 1968 to 1991. PADEP issued an N.O.V. in May 2008 and ordered the owner to register and close the tanks. At that time Mr. Coccoli stated that he had no money to comply and was trying to sell the property.

According to City of Philadelphia tax records, taxes and penalties of \$ 22,516 are owed, going back to 2004 and there are four liens listed.

ARRA Funded Activity

PADEP obtained access to the property and removed the tanks, dispensers and associated piping, plus excavation water and contaminated soils on April 5 - 6, 2010. 2- 4,000 gallon gasoline tanks, one 3,000 gallon gasoline tank, and one 3,000 gallon unknown, closed in place were removed from a single trench. The 550 gallon waste oil tank in a separated area was emptied and removed. Residual oil and water in the tanks was pumped out and the tanks were cleaned and scrapped. . At least one tank had corrosion holes.

The owner cannot afford to pay for the cleanup and has cooperated with PADEP. Philadelphia has tax liens on the property

Tom Canigliani (PADEP) reported by email that removal of the dispensers and tanks was completed by April 6. Since contamination was observed in soils at the bedrock

State: PA Site I.D. 39-25465

Site: Hill Top Texaco Location: Slatington, Lehigh County

<u>ARRA Funding eligibility</u>	
Release is either suspected or confirmed	Suspected, because of the age of the tanks and the condition of the site.
Is the responsible party unknown, unwilling, or unable to do the cleanup, or the cleanup is an emergency response	Unwilling. The owner has a history of non-compliance and non cooperation with PADEP.
The site is ready for assessment and/or cleanup?	Yes
Was the Site Assessment Started using ARRA money?	Yes
Was the Site Assessment Conducted using ARRA money?	Yes
Was the Site Assessment Completed using ARRA money?	In progress
Was the Site Cleanup Started using ARRA money?	Yes
Was the Site Cleanup Conducted using ARRA money?	Yes
Was the Site Cleanup Completed using ARRA money?	In progress
<u>Will / did the work trigger Davis-Bacon Act prevailing wage requirements?</u>	Currently no activities or planned activities meet these criteria.
Installing piping to connect households or businesses to public water systems or replacing public or private water system supply wells and associated piping. Soil excavation/replacement when undertaken in conjunction with the above Soil excavation/replacement, tank removal, and restoring the area by paving or pouring concrete when soil excavation/replacement occurs in conjunction with both tank removal and paving or concrete replacement	

File review: March 11, 2010 by Richard Johnson

State: PA Site I.D. 39-25465

Site: Hill Top Texaco Location: 208 North Walnut Street, Slatington, Lehigh County

Summary

According to county property assessment records available at Lehigh County's web site, Edwin (Jr.) and Jean Ziegler have owned the property since June 1985. (Information downloaded on March 15, 2010). There is some reference in the file to Edwin Ziegler Jr. transferring the property to Edwin Ziegler Sr. around 2004 but this is not reflected in the county record.

The earliest item in the file relating to the underground storage tanks was a Tank Registration Form submitted October 31, 1989 to PADEP by Atlantic Oil and Heating Company (Lehighton, Carbon County) for Hilltop Texaco. Based on the files, fees were apparently paid through 1995.

The earliest reference for the tanks being out of service and the property vacant was from a PADEP inspection on 8/22/1999. The first N.O.V went to Hilltop Texaco in 1999. Mr. Ziegler is first mentioned in 2002 in correspondence and meeting minutes of PADEP. On 6/15/2000. Mr. Ziegler submitted a registration form for "tanks temporarily out of service." On 6/17/2002 Mr. Ziegler submitted an UST closure notification. Meeting notes and registered letters in PADEP's file indicates a repeated effort from 2000 through 2009 to get Mr. Ziegler to comply, without success, on two items: registration and closure of the tanks, and payment of past due fees. Despite repeated verbal promises to PADEP staff and the documents noted above, no effort was taken by Mr. Ziegler to comply.

ARRA Funded Activity

The tanks removal started on March and completed on March 5, 2010. Four tanks were found and removed: three 6,000 gallon gasoline and one 1,000 kerosene. The tanks were reportedly empty and intact. There was no visible evidence of soil contamination. Subsequent soil analytical results were all below State Health Standards (personnel communication Meg Boyer, PADEP, April 7, 2010).

File Documents

11/09/2009 Transmittal email from Ron Brezinski, PADEP stating approval of the Work Plan and cost estimate prepared by AECOM for tank removal at Hilltop Texaco site prepared (copy of the Work Plan and Cost Estimate is included in the file).

7/13/2009 Ltr. PADEP to Mr. Ziegler regarding delinquent registration fees due - \$1,400.

6/3/2002 Narrative Eric Supey to Mr. Ziegler Sr. Mr. Ziegler said he was transferring the property to his son and has started the paperwork.

4/5/2002 Registered Ltr. PADEP to Edwin Ziegler. UST not compliant. Registration fees not paid since 1996, \$1,400 due.

4/3/2002 Narrative. Meeting of Russell Sager and Eric Supey, PADEP with Edwin Ziegler Sr. and Jr. UST compliance and past due fees. Must be resolve by 5/3/2002. PADEP intends progressive enforcement including possible civil penalties.

2/27/2002 Registered LTR. PADEP to Edwin and Jean Ziegler. Requires meeting with PADEP on 3/26/2002 to discuss compliance.

10/15/2001 Narrative. Site visit PADEP met with Jean Ziegler. Standard notification to register and remove tanks.

12/20/2000 Registered LTR. PADEP to Hilltop Texaco. Compliance notification.

10/31/2000 2000 Registered LTR. PADEP to Hilltop Texaco. UST not compliant. Registration fees due.

10/27/2000 Andrew Geist (DEP) spoke to Jean Z. tanks should have been removed in 1999. N.O.V. will be issued.

6/15/2000 Narrative. Site visit by Jennifer Basta, ESTI. Met with Mr. Ziegler. Tank compliance and overdue fees.

6/15/2000 Registration form for "tanks temporarily out of service" signed by Jean Ziegler. Owner – Edwin Ziegler.

6/11/1999 PADEP to Hilltop. Requests owner submit a revised registration form

5/29/1999 UST facility compliance inspection by Susan Ianuzzo, DEP inspector. Station is inactive. Tanks are in place.

1/29/1999 Notice of Violation from PADEP to Hilltop Texaco. Cites non-compliant system and \$600 fees due.

6/16/1993 UST Facility survey: Hilltop Texaco operator is identified as Corey Lei Benyath.

9/8/1992 Closure/Change Notification submitted to PADEP by Atlantic Oil and Heating Company (Macungie, Lehigh County) for Hilltop. p.o.c. is Peter Blynn

State: PA

Site: _____Malcolms Garage_____ Location: Warminster, Bucks Co._____

<u>ARRA Funding eligibility</u>	
Release is either suspected or confirmed	Confirmed by DEP sampling of existing monitoring wells, December, 2009.
Is the responsible party unknown, unwilling, or unable to do the cleanup, or the cleanup is an emergency response	Financially unable. (See attached narrative).
The site is ready for assessment and/or cleanup?	Yes, DEP has access.
Was the Site Assessment Started using ARRA money?	Yes
Was the Site Assessment Conducted using ARRA money?	Yes, started January 2009.
Was the Site Assessment Completed using ARRA money?	The current owner is pursuing funding from USTIF to complete the assessment and cleanup.
Was the Site Cleanup Started using ARRA money?	Yes, tank removal and excavation and disposal of contaminated soils occurred January 11-15.
Was the Site Cleanup Conducted using ARRA money?	
Was the Site Cleanup Completed using ARRA money?	The current owner is pursuing funding from USTIF to complete the assessment and cleanup.
<u>Will / did the work trigger Davis-Bacon Act prevailing wage requirements?</u>	Currently no activities or planned activities meet these criteria.
Installing piping to connect households or businesses to public water systems or replacing public or private water system supply wells and associated piping. Soil excavation/replacement when undertaken in conjunction with the above Soil excavation/replacement, tank removal, and restoring the area by paving or pouring concrete when soil excavation/replacement occurs in conjunction with both tank removal and paving or concrete replacement	

File review: March 4, 2010 by Richard Johnson

Facility No. 09-41936

Site: Malcolms Garage Location: Warminster, Bucks Co., PA

Summary

The registered tanks on the property were originally cited by PADEP in 2002 for being out of compliance for leak detection and reporting requirements. The property has been abandoned for several years. The property owner, Malcolm Powell, is deceased and his widow, Margaret, appears to be the sole owner. The estate lacks the financial resources to remediate the site. Also, the files indicate that the County Court has some jurisdiction over the property because of a tax lien. Previous attempts to auction the property have been unsuccessful.

ARRA Funded Activity

PADEP obtained an access agreement from Mrs. Powell dated May 1, 2009, which included a stipulation that she pursue the possibility of USTIF funding. The tanks and contaminated soil were removed from the site by PADEP contractors during the week of January 11, 2010.

In January 2010, Mr. Weiss (court appointed attorney) approached ICF, the USTIF fund manager, to initiate the insurance reimbursement process. According to Tom Canigiani of PADEP, Mrs. Powell intends to conduct the site characterization and final cleanup through the USTIF program if possible (personal communication 4/5/2010).

File information related to potential responsible parties.

August 8, 2005. Telephone memo Bonnie McClemen to Mrs. Powell. Mrs. Powell indicated she is co-owner and acknowledged previous PADEP compliance letters. Including N.O.V. 5/13/2002, N.O.V. 6/29/2005, and Field inspection report 4/19/2002 signed off by Malcolm Powell.

August 27, 2007 Telephone memo, Julie Baniewicz, PADEP with M. Powell to inquire about the status of the property and the need for inspection and to pay past due fees. Mrs. Powell stated that the property is the jurisdiction of the Doylestown Court. She provided the names and phone numbers of attorneys handling the property. Charles Weiss and Michael Goodwin.

November 17, 2008 Letter, Ron Estel PADEP to Michael Goodwin, 106 West Butler Avenue, Doylestown. Re: past due tank fees and planned property auction. Mr. Goodwin represents the Doylestown County Court.

April 14, 2009 PADEP phone record Ryan Supry (PADEP) and Charles Weiss (attorney). Discussed possibility of ARRA funds for the site, access agreement and potential for future cost recovery.

State: PA Site ID 15-39856

Site: Grappa Oil Location: Phoenixville

<u>ARRA Funding eligibility</u>	
Release is either suspected or confirmed	Confirmed and formally reported during tank removal on January 26, 2010.
Is the responsible party unknown, unwilling, or unable to do the cleanup, or the cleanup is an emergency response	Financially unable. Widow of original owner financially unable. The other owner, Louis Gappa (son) is non cooperative. There is a major consumer lawsuit against Gappa Oil by the PA Attorney General.
The site is ready for assessment and/or cleanup?	Yes
Was the Site Assessment Started using ARRA money?	Yes
Was the Site Assessment Conducted using ARRA money?	In Progress
Was the Site Assessment Completed using ARRA money?	In Progress
Was the Site Cleanup Started using ARRA money?	Yes, tanks and contaminated soils removed January 25-29, 2010.
Was the Site Cleanup Conducted using ARRA money?	In Progress
Was the Site Cleanup Completed using ARRA money?	In Progress
<u>Will / did the work trigger Davis-Bacon Act prevailing wage requirements?</u>	Currently no activities or planned activities meet these criteria.
Installing piping to connect households or businesses to public water systems or replacing public or private water system supply wells and associated piping. Soil excavation/replacement when undertaken in conjunction with the above	
Soil excavation/replacement, tank removal, and restoring the area by paving or pouring concrete when soil excavation/replacement occurs in conjunction with both tank removal and paving or concrete replacement	

File review: March 4, 2010 by Richard Johnson
State: PA Ste ID 15-39856
Site: Gappa Oil Location: Phoenixville

The property was owned by David Gappa, deceased (2008) and came to attention of PADEP in 2004. PADEP notified Louis Gappa, operator of the facility (David's son) that AST and USTs on the property needed to be registered. Gappa did not respond to the DEP request and in August 2008 (shortly after David Gappa's death, Heidi Kunsch of DEP made a series of phone calls attempting to contact the responsible party and notify them that DEP was preparing an enforcement letter.

Ms. Kunsch was not able to reach Louis Gappa but after some effort managed to reach Michelle Lampkin, who is the daughter of David's widow Pauline and who is acting as power of attorney for her mother. Ms. Lampkin attempted to be cooperative with PADEP and had extensive telephone conversations and email correspondence with Ms. Kunsch. However, she indicated that the estate had few resources to comply and that attempts were being made to sell the property. Ms. Lampkin was very forthright about providing contact information for all parties involved including Mrs. Gappa's attorney, Jack Wolf (who was copied on all emails). The following information was provided by Ms. Lampkin and represents her version of the situation.

The property is now jointly owned by Pauline Gappa (40%) and Louis Gappa (60%). The estate has no resources and is up for sheriff's sale. Ms. Lampkin stated that her brother Louis Gappa had "embezzled" money from the company and had also assaulted and injured her shortly after her father's funeral.

In September Ms. Lampkin requested and received from DEP an extension on compliance actions for the tanks. She said that her mother was not involved in the business and neither she nor her mother was previously aware of the DEP communications with Louis.

Ms. Lampkin said that she and her attorney have tried to reach Louis Gappa directly and through his attorney with no success.

Additional information about Gappa Oil can be found on the PA Attorney General web site. On March 11, 2008, the Attorney General filed a civil lawsuit against David Gappa and Gappa Oil for failing to deliver fuel oil during the 2007-08 heating season to customers who had pre-paid for the fuel in the spring and summer of 2007. Louis is not identified in the notice.

ARRA Funded Activity

The site was a small fuel storage distribution facility. The site contains two 4,000 gallon USTs and one 20,000 gallon UST. There is also an above ground storage tank at the rear of the property (rough estimate 60,000 gallons). The tanks were presumably used to store kerosene and heating oil. The PADEP contractor started work started on January 26,

